

## **Abstract**

This thesis deals with the subject of proving negatives, i. e. proving non-existence of an object, a status or a process. The author of the thesis provides the reader with the definition of a negative and with a list of negatives mentioned in the case law of Czech public authorities. Also, the author analyses selected case law of Czech courts and describes proving negatives in specific cases.

The thesis is divided into six chapters. The first chapter provides the definition of a negative. In this chapter the author points out potential problems linked to the identification of a negative, especially to the difference between a fact, a negative statement and a legal assessment. The second one addresses the possibility of a negative becoming the subject of proving as a practical way of finding of facts. The chapter also brings a brief analysis of proving a negative abroad, specifically in Slovakia, the Great Britain and the United States of America.

The third, the fourth and the fifth chapter deal with the subject of proving negatives in civil proceedings, administrative proceedings and criminal proceedings respectively. In each of these chapters the author summarises the principles of proving related to corresponding type of proceedings and demonstrates proving negatives on specific cases (regarding civil proceedings on unjustified enrichment, regarding administrative proceedings on tax administration and regarding criminal proceedings on right of free defence or defence at a reduced fee). The last chapter provides possible ways of proving a negative.

In the conclusion of the thesis, the particular pieces of knowledge are summarised. Also, the last chapter provides the reader with conclusions whether negatives are excluded from proving or not and whether public authorities actually apply the rule that negatives cannot be proven or not.

## **Key words:**

Evidence

Burden of proof

Negative